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Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century"

Report of the Third Committee

Rapporteur: Mr. Carlos Enrique **García González** (El Salvador)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled 'Women 2000: gender equality, development and peace for the twenty-first century'" and to allocate it to the Third Committee.

2. The Committee held a general discussion on agenda item 99 jointly with item 98 at its 10th to 15th meetings, from 12 to 15 October, and considered proposals and took action on item 99 at its 19th, 37th and 53rd meetings, on 20 October and 4 and 24 November 2004. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/59/SR.10-15, 19, 37 and 53).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly (A/59/214);

(b) Report of the Secretary-General on violence against women (A/59/281);

(c) Letter dated 22 June 2004 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General (A/59/115);

(d) Letter dated 4 October 2004 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly (A/C.3/59/2).

4. At the 10th meeting, on 12 October, introductory statements were made by the Director of the Division for the Advancement of Women of the Department of Economic and Social Affairs and the Executive Director of the United Nations Development Fund for Women (see A/C.3/59/SR.10).

5. At the same meeting, the Director of the International Research and Training Institute for the Advancement of Women made a statement (ibid.).

6. Also at the 10th meeting, the Committee engaged in a question-and-answer session with the above-mentioned speakers, in which the representatives of Senegal, El Salvador, the Netherlands (on behalf of the European Union), Costa Rica, the Dominican Republic, Sweden, Switzerland, the Bolivarian Republic of Venezuela, Côte d'Ivoire and the Gambia took part (ibid.).

7. At the same meeting, the Chairperson of the Committee on the Elimination of Discrimination against Women also made a statement (ibid.).

II. Consideration of proposals

A. Draft resolution A/C.3/59/L.23

8. At the 19th meeting, on 20 October, the representative of Pakistan, on behalf of Afghanistan, Algeria, Azerbaijan, Bangladesh, Belarus, Belize, Benin, Burkina Faso, China, the Congo, Cuba, the Democratic Republic of the Congo, Djibouti, Egypt, Indonesia, the Islamic Republic of Iran, Iraq, Jordan, Kenya, Kuwait, Liberia, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, the Sudan, the Syrian Arab Republic, Turkey, Turkmenistan, Viet Nam and Yemen, introduced a draft resolution entitled "Elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly, entitled 'Women 2000: gender equality, development and peace for the twenty-first century'" (A/C.3/59/L.23). Subsequently, Argentina, the Bahamas, Bahrain, Cameroon, Cape Verde, the Comoros, the Democratic People's Republic of Korea, the Dominican Republic, Ecuador, Fiji, Grenada, Guinea-Bissau, Haiti, Kazakhstan, the Lao People's Democratic Republic, Lebanon, Madagascar, Malawi, Maldives, Mali, Mauritius, Mexico, Mongolia, Namibia, Nigeria, the Philippines, the Republic of Korea, Senegal, Somalia, Thailand, Tunisia, the United Arab Emirates, Uruguay and the Bolivarian Republic of Venezuela joined in sponsoring the draft resolution.

9. At the 37th meeting, on 4 November, the Committee adopted draft resolution A/C.3/59/L.23 without a vote (see para. 14, draft resolution I).

10. Before the adoption of the draft resolution, the representative of Pakistan made a statement. After its adoption, statements were made by the representatives of Canada (also on behalf of Australia and New Zealand) and the Netherlands (on behalf of the European Union) (see A/C.3/59/SR.37).

B. Draft resolution entitled "Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

11. At the 53rd meeting, on 24 November, the Rapporteur reported on consultations held on the text of a draft resolution entitled "Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly", which was submitted by the Chairman on the basis of informal consultations and circulated in an informal paper.

12. At the same meeting, the Secretary read out a correction to the text of the draft resolution, which was then adopted by the Committee, as corrected, without a vote (see para. 14, draft resolution II).

13. Before the adoption of the draft resolution, statements were made by the representatives of France and the United States of America. After its adoption, statements were made by the representatives of the Republic of Korea, the Netherlands (on behalf of the European Union), New Zealand (also on behalf of Canada and Australia) and Japan (see A/C.3/59/SR.53).

III. Recommendations of the Third Committee

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century"

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations, which, inter alia, calls for international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the Universal Declaration of Human Rights,[1] the Declaration on the Elimination of Discrimination against Women,[2] the Declaration on the Elimination of Violence against Women,[3] the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,[4] the Beijing Declaration[5] and Platform for Action[6] adopted by the Fourth World Conference on Women, the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights[7] and the United Nations Millennium Declaration,[8]

Recalling further its resolution 57/181 of 18 December 2002 and the agreed conclusions of the forty-eighth session of the Commission on the Status of Women of 12 March 2004,[9]

Reaffirming the obligations of all States to promote and protect human rights and fundamental freedoms, as enunciated in the Charter, and reaffirming also the obligations of States parties under international human rights instruments, in particular the International Covenant on Civil and Political Rights,[10] the International Covenant on Economic, Social and Cultural Rights,[10] the Convention on the Elimination of All Forms of Discrimination against Women,[11] the International Convention on the Elimination of All Forms of Racial

[1] Resolution 217 A (III).
[2] See resolution 2263 (XXII).
[3] See resolution 48/104.
[4] See resolution 1904 (XVIII).
[5] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.
[6] Ibid., annex II.
[7] A/CONF.157/24 (Part I), chap. III.
[8] See resolution 55/2.
[9] *Official Records of the Economic and Social Council, 2004, Supplement No. 7* (E/2004/27), chap. I, sect. A, III and IV.
[10] See resolution 2200 A (XXI), annex.
[11] Resolution 34/180, annex.

Discrimination,[12] the Convention on the Rights of the Child,[13] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[14] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[15]

Reaffirming also the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",[16]

Reaffirming further the call for the elimination of violence against women and girls, especially all forms of commercial sexual exploitation as well as economic exploitation, including trafficking in women and children, female infanticide, crimes committed in the name of honour, crimes committed in the name of passion, racially motivated crimes, the abduction and sale of children, dowry-related violence and deaths, acid attacks and harmful traditional or customary practices, such as female genital mutilation and early and forced marriages,

Stressing the importance of the empowerment of women as a tool to eliminate all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session,

1. *Welcomes* the report of the Secretary-General;[17]

2. *Expresses deep concern* at the persistence of various forms of violence and crimes against women in all parts of the world, especially all forms of commercial sexual exploitation as well as economic exploitation, including trafficking in women and children, female infanticide, crimes committed in the name of honour, crimes committed in the name of passion, racially motivated crimes, the abduction and sale of children, dowry-related violence and deaths, acid attacks and harmful traditional or customary practices, such as female genital mutilation and early and forced marriages;

3. *Stresses* that all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly,[16] are obstacles to the advancement and empowerment of women, and reaffirms that violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms;

4. *Also stresses* the need to treat all forms of violence against women and girls of all ages as a criminal offence punishable by law, including violence based on all forms of discrimination;

5. *Welcomes* specific legal and comprehensive legislative measures being enacted or contemplated, in particular with regard to various forms of violence against women and girls;

6. *Also welcomes* in this regard the launching of various initiatives, strategies and action plans aimed at, among other things, eradication, prevention, promotion, information, legislation, protection and welfare, education and research,

[12] Resolution 2106 A (XX), annex.
[13] Resolution 44/25, annex.
[14] Resolution 39/46, annex.
[15] Resolution 45/158, annex.
[16] Resolution S-23/3, annex.
[17] A/59/281.

enhancement of the economic capacity of women and the monitoring of the various forms of violence against women;

7. *Reaffirms* that there is increased awareness of and commitment to preventing and combating violence against women, including crimes identified in the outcome document of the twenty-third special session, welcomes in this context various legal, administrative and other measures taken by Governments for their prevention and elimination, and calls for high priority to be attached to the further strengthening of such measures;

8. *Urges* Member States to strengthen awareness and preventive measures for the elimination of all forms of violence against women, whether occurring in public or private life, by encouraging and supporting public campaigns to enhance awareness about the unacceptability and the social costs of violence against women, inter alia, through educational and media campaigns in cooperation with educators, community leaders and the electronic and print media;

9. *Calls upon* States to encourage and support the active participation of men and boys in the prevention and elimination of all forms of violence, especially gender-based violence, and to increase the awareness of men and boys of their responsibility in ending violence against women;

10. *Expresses its appreciation* of the work being done by non-governmental organizations, including women's organizations, community-based organizations and individuals, in raising awareness about the economic, social and psychological costs of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session, and in this regard encourages Governments to continue their support for the work of the non-governmental organizations in addressing this issue;

11. *Calls upon* States to fulfil their obligations under the relevant human rights instruments and to implement the Beijing Platform for Action[6] as well as the outcome document of the twenty-third special session;

12. *Encourages* States parties to include in their reports to the Committee on the Elimination of Discrimination against Women and other relevant treaty bodies, wherever possible, sex-disaggregated data and information on measures taken or initiated to eliminate all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session;

13. *Urges* relevant entities of the United Nations system, within their mandates, to assist countries, upon their request, in their efforts to prevent and eliminate all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session, and in this regard expresses its appreciation of the work being done by the United Nations Population Fund, the United Nations Children's Fund and the United Nations Development Fund for Women and other relevant funds and programmes aimed at preventing and eliminating violence against women and girls;

14. *Invites* the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences to further devote equal attention to all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session, in her work and her reports,

within her mandate, to the Commission on Human Rights and the General Assembly;

15. *Requests* the Secretary-General to submit a comprehensive report on this matter to the General Assembly at its sixtieth session.

Draft resolution II
Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

The General Assembly,

Recalling its previous resolutions on the question, including resolution 58/148 of 22 December 2003,

Recalling also the contributions of the four World Conferences on women, held in Mexico City, Copenhagen, Nairobi and Beijing, to the advancement of women and the promotion of gender equality,

Deeply convinced that the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",[2] are important contributions to the advancement of women worldwide in the achievement of gender equality and must be translated into effective action by all States, the United Nations system and other organizations concerned,

Reaffirming its commitment to the full and effective implementation of the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session, including the twelve critical areas of concern, namely: women and poverty, education and training of women, women and health, violence against women, women and armed conflict, women and the economy, women in power and decision-making, institutional mechanisms for the advancement of women, human rights of women, women and the media, women and the environment and the girl child,

Reaffirming also its commitment to overcoming obstacles encountered in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session and to strengthening a national and international enabling environment in this regard,

Recognizing that the responsibility for the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session rests primarily at the national level and that strengthened efforts are necessary in this respect, and reiterating that enhanced international cooperation is essential for the effective implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session,

Welcoming the increased attention to the situation of women and girls and the integration of gender perspectives in the work of the United Nations, in particular in the outcomes of major conferences, special sessions and summit conferences and their follow-up processes, as well as the review and appraisal by the Economic and Social Council of the system-wide implementation of its agreed conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes of the United Nations system, the inclusion of the question of gender mainstreaming in its

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[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[2] Resolution S-23/2, annex, and resolution S-23/3, annex.

agenda, the consideration of annual progress made in gender mainstreaming and the attention given to the gender perspective in the outcomes of its substantive session of 2004,

Reaffirming the primary and essential role of the General Assembly and the Economic and Social Council in promoting the advancement of women and gender equality, while noting the open debate on women and peace and security held in the Security Council on 28 October 2004, as well as previous debates,

Bearing in mind its relevant resolutions and Security Council resolution 1325 (2000) of 31 October 2000,

1. *Takes note with appreciation* of the report of the Secretary-General on measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session;[3]

2. *Reaffirms* the goals, objectives and commitments contained in the Beijing Declaration and Platform for Action[1] and in the political declaration and further actions and initiatives to implement the Beijing Declaration and Platform for Action adopted by the General Assembly at its twenty-third special session;[2]

3. *Stresses* the need to undertake further action to ensure the full and accelerated implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, inter alia, through the promotion and protection of all human rights and fundamental freedoms, mainstreaming gender perspectives into all policies and programmes and promoting full and equal participation and empowerment of women and enhanced international cooperation for the full implementation of the Beijing Platform for Action;

4. *Underlines* the significance of the forty-ninth session of the Commission on the Status of Women, which will mark the tenth anniversary of the Beijing Declaration and Platform for Action and the fifth anniversary of the twenty-third special session, and at which the Commission will review the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session and consider the current challenges and forward-looking strategies for the advancement of women, as well as the comprehensive report of the Secretary-General;

5. *Stresses* the importance of strong, sustained political will and commitment at the national, regional and international levels for achieving full and accelerated implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session;

6. *Welcomes* the opportunity provided by the forty-ninth session of the Commission on the Status of Women to demonstrate continued and full commitment to the full and effective implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session;

7. *Encourages* participation at the forty-ninth session of the Commission on the Status of Women at a high political level;

[3] A/59/214.

8. *Invites* States and the United Nations system to publicize the forthcoming session of the Commission on the Status of Women, including through consultation with civil society;

9. *Calls upon* Governments, the relevant entities of the United Nations system, within their respective mandates, and all relevant actors of civil society, including non-governmental organizations, to continue to take effective action to achieve the full and effective implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session;

10. *Emphasizes* that the creation of an enabling environment at the national and international levels, including by ensuring the participation of women on an equal basis with men at all levels of decision-making, is necessary to ensure the full participation of women in all aspects of social, political and economic activities, and in this regard calls upon States to remove obstacles to the full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session;

11. *Emphasizes also* the importance of men and boys taking joint responsibility with women and girls in the promotion of gender equality, taking into account the agreed conclusions adopted by the Commission on the Status of Women at its forty-eighth session;

12. *Welcomes* the contributions of the Commission on the Status of Women to the follow-up and review of the implementation of the commitments made in the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, reaffirms that the Commission will continue to play a central role in this regard, and encourages Governments, the relevant specialized agencies, funds and programmes of the United Nations system and civil society to continue to support its work;

13. *Stresses* the importance of implementing the agreed conclusions adopted by the Commission on the Status of Women since its fortieth session;

14. *Reaffirms* its decision that the General Assembly, the Economic and Social Council and the Commission on the Status of Women, in accordance with their respective mandates and with General Assembly resolutions 48/162 of 20 December 1993 and 57/270 B of 23 June 2003 and other relevant resolutions, constitute a three-tiered intergovernmental mechanism that plays the primary role in overall policy-making and follow-up and in coordinating the implementation and monitoring of the Beijing Platform for Action and the outcome of the twenty-third special session;

15. *Recalls* that, in accordance with resolution 57/270 B, the follow-up to the Fourth World Conference on Women and the twenty-third special session will continue to be undertaken within the framework of an integrated and coordinated follow-up to major international conferences and summits in the economic, social and related fields, and also recalls in this regard the request to each functional commission of the Economic and Social Council to examine its methods of work in order to better pursue the implementation of the outcomes of major United Nations conferences and summits and report to the Economic and Social Council no later than 2005 on the outcome of this examination;

16. *Recognizes* the importance attached to the regional and subregional monitoring of the global and regional platforms for action and of the implementation of the outcome of the twenty-third special session by regional commissions and other regional or subregional structures, within their mandates, in consultation with Governments, calls for the promotion of further cooperation in that respect among Governments and, where appropriate, national machineries of the same region, and welcomes in this regard the contributions of the United Nations regional commissions to the forty-ninth session of the Commission on the Status of Women;

17. *Encourages* the Economic and Social Council to reiterate its request to the regional commissions that have not yet done so, within their respective mandates and resources, to intensify efforts to build up a database, to be updated regularly, in which all programmes and projects carried out in their respective regions by organizations or bodies of the United Nations system are listed, and to facilitate the dissemination of information on such programmes and projects, as well as the evaluation of their impact on the empowerment of women through the implementation of the Beijing Platform for Action;

18. *Welcomes* Economic and Social Council decision 2004/309 of 23 July 2004, which requests the Chairperson of the Commission on the Status of Women to submit the outcome of the forty-ninth session of the Commission, through the Economic and Social Council, to the General Assembly at its sixtieth session, including to the high-level event of the Assembly on the review of the United Nations Millennium Declaration;[4]

19. *Emphasizes* that the full and effective implementation of the Beijing Declaration and Platform for Action and the promotion of gender equality and of women's empowerment and participation, together with the mainstreaming of a gender perspective, are among the essential elements for advancing the implementation of the Millennium Declaration, with a view, in particular, to achieving the internationally agreed development goals, including those contained in the Millennium Declaration and the outcomes of United Nations summits, conferences and special sessions;

20. *Recognizes* that adequate mobilization of resources at the national and international levels, as well as new and additional resources for the developing countries, including the least developed countries and countries with economies in transition, from all available funding mechanisms, including multilateral, bilateral and private sources, will also be required;

21. *Requests* the Secretary-General to highlight the contribution of the Beijing Declaration and Platform for Action to the implementation of the Millennium Declaration and to integrate gender perspectives in his preparations, including reports, for the review of the Millennium Declaration;

22. *Calls upon* Member States to incorporate gender perspectives in their preparations for the review of the Millennium Declaration;

23. *Requests* the Secretary-General to include in his report on the follow-up to the United Nations Millennium Declaration an assessment of the progress made in promoting the goal of gender equality, in particular in relation to the development

[4] See resolution 55/2.

goals set forth in the Millennium Declaration, and recommendations to improve the measurement and coverage of indicators so that progress towards gender equality can be evaluated over time;

24. *Invites* States parties to the Convention on the Elimination of All Forms of Discrimination against Women[5] to include information on measures taken to implement the outcome of the twenty-third special session, as well as the Beijing Platform for Action, in their reports to the Committee on the Elimination of Discrimination against Women under article 18 of the Convention;

25. *Urges* States parties to comply fully with their obligations under the Convention on the Elimination of All Forms of Discrimination against Women and those that have not yet done so to consider signing, ratifying or acceding to its Optional Protocol;[6]

26. *Recognizes* the important role of law, including legislation, in the promotion of gender equality and the implementation of the Beijing Platform for Action, commends the progress made by States in the area of legal reform, and calls upon States to continue their efforts to repeal laws and eradicate practices that discriminate against women and to adopt laws and promote practices that protect the rights of women and promote gender equality;

27. *Urges* Member States to consider signing, ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[7] in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

28. *Calls upon* Governments, the United Nations system and all other relevant actors to continue to integrate gender perspectives into the implementation of and follow-up to recent United Nations conferences, summits and special sessions;

29. *Affirms* that, in order to ensure the effective implementation of the strategic objectives of the Beijing Platform for Action and the outcome of the twenty-third special session, the United Nations system should continue to promote an active and visible policy of mainstreaming gender perspectives, including through the work of the Division for the Advancement of Women and the Office of the Special Adviser on Gender Issues and Advancement of Women and the maintenance of gender units, focal points and gender specialists, and with the active support of all United Nations bodies, including through ensuring that all United Nations personnel, especially in the field, receive training on gender perspectives in their work, including gender impact analysis, and that appropriate follow-up training is provided;

30. *Recognizes* the need to further include gender perspectives in the work of its Main Committees and other intergovernmental bodies;

31. *Requests* all bodies that deal with programme and budgetary matters, including the Committee for Programme and Coordination, to ensure that all programmes, plans and programme budgets visibly mainstream gender perspectives;

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[5] Resolution 34/180, annex.

[6] Resolution 54/4, annex.

[7] Resolution 55/25, annexes I-III, and resolution 55/255, annex.

32. *Encourages* the Economic and Social Council to continue its efforts to ensure that gender mainstreaming is an integral part of all activities in its work and that of its subsidiary bodies, through, inter alia, the system-wide implementation of its agreed conclusions 1997/2 and its resolution 2004/4 of 7 July 2004;

33. *Welcomes* the convening of the World Summit on the Information Society in Tunis in 2005, and encourages Governments and all other stakeholders to integrate a gender perspective into the preparatory processes and outcome documents, taking into account the agreed conclusions of the Commission on the Status of Women at its forty-seventh session;[8]

34. *Recognizes* the important role of women in the prevention and resolution of conflicts and in peacebuilding, and urges Governments and the United Nations system to take further steps to ensure the integration of gender perspectives and the full and equal participation of women at all levels of decision-making and implementation in all aspects of conflict prevention and resolution and peacebuilding activities and to ensure that efforts to strengthen the rule of law and transitional justice in conflict and post-conflict situations incorporate gender perspectives, with a view to achieving gender equality in constitutional, legislative and judicial reform;

35. *Strongly encourages* Governments to continue to support the role and contribution of civil society, in particular non-governmental organizations and women's organizations, in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session;

36. *Requests* the Secretary-General to continue to promote the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session and to disseminate those documents as widely as possible in all the official languages of the United Nations;

37. *Also requests* the Secretary-General to report annually to the General Assembly, the Economic and Social Council and the Commission on the Status of Women on the follow-up to and progress made in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, with an assessment of progress made in mainstreaming a gender perspective within the United Nations system, including by providing information on key achievements, lessons learned and best practices, and to recommend further measures and strategies for future action within the United Nations system;

38. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled 'Women 2000: gender equality, development and peace for the twenty-first century'".

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[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 7* (E/2003/27), chap. I, sect. A; see also Economic and Social Council resolution 2003/44.

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Report of the Third Committee

Rapporteur: Mr. Carlos Enrique **García González** (El Salvador)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and to allocate it to the Third Committee.

2. The Committee considered the item at its 39th to 41st, 45th, 46th, 51st and 52nd meetings, on 9, 10, 17, 18 and 23 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/59/SR.39-41, 45, 46, 51 and 52).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant sections of the report of the Economic and Social Council for 2004;[1]

(b) Report of the United Nations High Commissioner for Refugees, 2003;[2]

(c) Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees;[3]

[1] A/59/3; for the final text, see *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 3* (A/59/3/Rev.1).
[2] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12* (A/59/12).
[3] Ibid., *Supplement No. 12A* (A/59/12/Add.1).

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(d) Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/59/317);

(e) Report of the Secretary-General on a new international humanitarian order (A/59/554);

(f) Identical letters dated 17 November from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General and the President of the General Assembly (A/C.3/59/10).

4. At the 39th meeting, on 9 November, the United Nations High Commissioner for Refugees made an introductory statement (see A/C.3/59/SR.39).

5. At the same meeting, the Committee engaged in a question-and-answer session, in which the representatives of Afghanistan, South Africa, Bosnia and Herzegovina, Guinea, Japan, the Netherlands, China, Algeria and Kenya participated (see A/C.3/59/SR.39).

II. Consideration of proposals

A. Draft resolution A/C.3/59/L.72

6. At the 45th meeting, on 17 November, the representative of Ghana, on behalf of Ghana and Romania, introduced a draft resolution entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees" (A/C.3/59/L.72). Subsequently, Ethiopia and Togo joined in sponsoring the draft resolution.

7. At its 46th meeting, on 18 November, the Committee was advised that the draft resolution had no programme budget implications.

8. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.72, without a vote (see para. 24, draft resolution I).

B. Draft resolution A/C.3/59/L.73

9. At the 45th meeting, on 17 November, the representative of Norway, on behalf of Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, the Central African Republic, Chile, China, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, the Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, the Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, the Federated States of Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint

Vincent and the Grenadines, Samoa, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, the Sudan, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Zambia and Zimbabwe, introduced a draft resolution entitled " Office of the United Nations High Commissioner for Refugees" (A/C.3/59/L.73). Subsequently, Brazil, Egypt, Haiti, Jamaica, Pakistan, Switzerland, Tajikistan and Uruguay joined in sponsoring the draft resolution.

10. At the 46th meeting, on 18 November, the Committee was advised that the draft resolution had no programme budget implications.

11. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/59/L.73, without a vote (see para. 24, draft resolution II).

12. After the adoption of the draft resolution, a statement was made by the representative of Azerbaijan (see A/C.3/59/SR.46).

C. Draft resolution A/C.3/59/L.74

13. At the 45th meeting, on 17 November, the representative of Jordan, on behalf of Bosnia and Herzegovina, Djibouti, Jordan, Lebanon and Pakistan, introduced a draft resolution entitled "New international humanitarian order" (A/C.3/59/L.74), which read as follows:

"The *General Assembly*,

"*Recalling* its resolution 57/184 of 18 December 2002 and all previous resolutions concerning the promotion of a new international humanitarian order as well as all relevant resolutions, in particular, resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the annex thereto,

"*Reaffirming* the fundamental importance of adherence to and implementation of international humanitarian, refugee and human rights law as well as to internationally accepted norms and principles and of the need to promote national and international legislation to meet actual and potential humanitarian challenges,

"*Aware* of the important role that regional organizations, non-governmental organizations and the private sector can play in the humanitarian context,

"1. *Takes note* of the report of the Secretary-General;

"2. *Expresses its appreciation* for the continuing efforts of the Secretary-General in the humanitarian field, and urges Governments to assist him in promoting a new international humanitarian order corresponding to new realities and challenges, including the development of an agenda for humanitarian action;

"3. *Urges* Governments, intergovernmental and non-governmental organizations and others concerned to extend cooperation and provide support to the efforts of the Secretary-General to promote adherence to and

implementation of international humanitarian, refugee and human-rights law and to ensure the protection of civilians, including humanitarian personnel, in armed conflict;

"4. *Calls for* strengthening the nexus between humanitarian issues and human rights as well as between emergency assistance and development aid in view of their complementary nature;

"5. *Invites* the Member States, the Secretary-General and the United Nations system to strengthen the capacities of regional and subregional organizations in the context of the response to complex humanitarian crises;

"6. *Encourages* the private sector and non-governmental bodies to assist and support national and international efforts to respond to humanitarian challenges and to alleviate human suffering;

"7. *Invites* the Independent Bureau for Humanitarian Issues to reinforce further its activities and cooperation with the Office for the Coordination of Humanitarian Affairs of the Secretariat and with the relevant bodies of the United Nations system as well as with intergovernmental and non-governmental bodies and assist in the development of an agenda for humanitarian action;

"8. *Requests* the Secretary-General to arrange for the earliest preparation of an agenda for humanitarian action, taking into account the expertise and views of Member States as well as intergovernmental and non-governmental bodies, with the assistance of a panel of experts, and to report to the General Assembly at its sixty-first session on the overall progress made."

Subsequently, Bangladesh, Benin, Mexico, Qatar and Thailand joined in sponsoring the draft resolution.

14. At its 51st meeting, on 23 November, the Committee was advised that the draft resolution had no programme budget implications.

15. At the same meeting, the representative of Jordan introduced oral revisions to the draft resolution, which were circulated in an informal paper.

16. Also at the same meeting, following a statement by the representative of the United States of America (see A/C.3/59/SR.51), the Committee decided to defer action on the draft resolution.

17. At its 52nd meeting, on 23 November, the Committee adopted draft resolution A/C.3/59/L.74, as revised, without a vote (see para. 24, draft resolution III).

18. After the adoption of the draft resolution, statements were made by the representatives of Bosnia and Herzegovina, India and Cuba (see A/C.3/59/SR.52).

D. Draft resolution A/C.3/59/L.78

19. At the 45th meeting, on 17 November, the representative of South Africa, on behalf of the States Members of the United Nations that are members of the African Group, Belgium, Canada, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Finland, France, Iceland, Ireland, Italy, Japan, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Portugal, South Africa, Spain, Sweden, the former Yugoslav

Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Assistance to refugees, returnees and displaced persons in Africa" (A/C.3/59/L.78). Subsequently, Austria, Ghana, Greece and Sierra Leone joined in sponsoring the draft resolution.

20. At its 46th meeting, on 18 November, the Committee was advised that the draft resolution had no programme budget implications.

21. At the same meeting, the representative of South Africa orally corrected the text as follows:

(a) In operative paragraph 19, the words "the condition" before the words "that voluntary repatriation" were deleted;

(b) In operative paragraph 26, the words "the human rights of" were inserted before the words "internally displaced persons".

22. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/59/L.78, as orally corrected, without a vote (see para. 24, draft resolution IV).

23. After the adoption of the draft resolution, a statement was made by the representative of Azerbaijan (see A/C.3/59/SR.46).

III. Recommendations of the Third Committee

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 2004/238 of 21 July 2004 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the letter dated 23 March 2004 from the Permanent Representative of Romania to the United Nations addressed to the Secretary-General[1] and the letter dated 2 June 2004 from the Permanent Representative of Ghana to the United Nations addressed to the Secretary-General,[2]

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from sixty-six to sixty-eight States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2005.

[1] E/2004/49.
[2] E/2004/76.

Draft resolution II
Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-fifth session[2] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Recalling also its resolution 58/153 of 22 December 2003 on implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate,

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-fifth session;[2]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the adoption of the general conclusion on international protection, the conclusion on international cooperation and burden and responsibility sharing in mass influx situations and the conclusion on legal safety issues in the context of voluntary repatriation of refugees,[3] which are aimed at strengthening the international protection regime, consistent with the Agenda for Protection,[4] and at assisting Governments in meeting their protection responsibilities in today's changing international environment;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees[5] and its 1967 Protocol[6] as the foundation of the international refugee protection regime, and recognizes the importance of their full and effective application by States parties and the values that they embody, notes with satisfaction that one hundred and forty-five States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that

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[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12* (A/59/12).
[2] Ibid., *Supplement No. 12A* (A/59/12/Add.1).
[3] Ibid., chap. III, sects. A-C.
[4] Ibid., *Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.
[5] United Nations, *Treaty Series*, vol. 189, No. 2545.
[6] Ibid., vol. 606, No. 8791.

a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

4. *Notes* that fifty-seven States are now parties to the 1954 Convention relating to the Status of Stateless Persons[7] and that twenty-nine States are parties to the 1961 Convention on the Reduction of Statelessness,[8] and encourages the High Commissioner to continue his activities on behalf of stateless persons;

5. *Notes also* that 2004 marks the twentieth anniversary of the Cartagena Declaration on Refugees and that States convened in Mexico City in November 2004 to commemorate this anniversary, recalls the contribution to refugee protection which regional approaches can make, and encourages States to strengthen further international protection of refugees in the region, in conjunction with relevant international organizations as well as representatives of civil society;

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

7. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner and in a spirit of international solidarity and burden and responsibility sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of, and reducing the heavy burden borne by, countries that have received large numbers of refugees and asylum-seekers, including by holding international consultations aimed at developing a comprehensive plan of action, as appropriate, to respond to a specific mass influx or protracted refugee situation, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition;

8. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

9. *Welcomes* the progress attained so far in regard to the High Commissioner's Convention Plus initiative,[9] including the development of the Multilateral Framework of Understandings on the strategic use of resettlement, and encourages the High Commissioner and interested States to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden

[7] Ibid., vol. 360, No. 5158.

[8] Ibid., vol. 989, No. 14458.

[9] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 12* (A/58/12), chap. III.

and responsibility sharing and realizing durable solutions that give due regard to the importance of both protection and, where possible, refugee self-reliance;

10. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and other displaced persons and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with refugee-hosting countries and countries of origin, including their respective local communities, United Nations agencies and other development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return, and encourages States, in cooperation with United Nations agencies and other development actors, to support, inter alia, through the allocation of funds, the development and implementation of the 4Rs and of other programming tools to facilitate the transition from relief to development;

11. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

12. *Recognizes* the desirability of countries of origin, in cooperation with the Office of the High Commissioner, other States and other concerned actors, as necessary and appropriate, addressing, at an early stage, issues of a legal and administrative nature which are likely to hinder voluntary repatriation in safety and dignity, bearing in mind that some legal safety or administrative issues may be addressed only over time and that voluntary repatriation can and does take place without all legal and administrative issues having first been resolved;

13. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

14. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, deplores, in particular, the armed attacks that took place in the Gatumba transit centre in Burundi in August 2004, calls upon all States of refuge, in cooperation with international organizations, where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue these efforts in consultation with States and other relevant actors;

15. *Encourages* the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources,

recognizes that adequate and timely resources are essential for the Office to continue to fulfil the mandate conferred upon it through its statute[10] and by the General Assembly in subsequent resolutions on refugees and other persons of concern, recalls its resolutions 58/153 and 58/270 of 23 December 2003, concerning the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to the annual and supplementary appeals issued by the Office for requirements under its programmes;

16. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixtieth session.

[10] **Resolution 428 (V), annex.**

Draft resolution III
New international humanitarian order

The General Assembly,

Recalling its resolution 57/184 of 18 December 2002 and all previous resolutions concerning the promotion of a new international humanitarian order[1] as well as all relevant resolutions, in particular, resolution 46/182 of 19 December 1991, on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the annex thereto,

Reaffirming the fundamental importance of adherence to and implementation of international humanitarian, refugee and human rights law as well as to internationally accepted norms and principles, in particular the principles of humanity, neutrality and impartiality for the provision of humanitarian assistance,

Recognizing the importance of action at the national and regional levels and the role that regional organizations can play in certain cases to prevent humanitarian crises, and noting with appreciation the complementary role played in this regard by the United Nations entities, including the agencies, funds and programmes,

Aware of the important role that international organizations, intergovernmental and non-governmental organizations and the private sector can play, within their respective mandates, in the humanitarian context,

Concerned by the increasingly difficult context in which humanitarian assistance takes place in some areas, in particular the continuous erosion, in many cases, of respect for the principles and rules of international humanitarian law,

Emphasizing the importance of continued international cooperation in support of the efforts of affected States in dealing with natural disasters and complex emergencies in all their phases,

Reiterating that humanitarian assistance should be provided in a way which is not to the detriment of resources made available for international cooperation for development,

Taking note of the report of the Secretary-General;[2]

1. *Expresses its appreciation* for the continuing efforts of the Secretary-General in the humanitarian field, and urges Governments to assist him in promoting a new international humanitarian order that corresponds to new realities and challenges, including the development of an agenda for humanitarian action, in accordance with international law;

2. *Reaffirms* the obligation of all States and parties to armed conflicts to protect civilians in armed conflicts in accordance with international humanitarian law, and invites States to promote a culture of protection, taking into account the particular needs of women, children, older persons and persons with disabilities;

3. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, in countries

[1] Resolutions 36/136, 37/201, 38/125, 40/126, 42/120, 42/121, 43/129, 43/130, 45/101, 45/102, 47/106, 49/170, 51/74, 53/124 and 55/73.

[2] A/59/554.

in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

4. *Urges* Governments, intergovernmental and non-governmental organizations and others concerned to extend cooperation and provide support to the efforts of the Secretary-General, inter alia, through the relevant United Nations agencies and organizational mechanisms set up to address the assistance and protection needs of victims of complex emergencies as well as the safety and security of United Nations and other humanitarian workers;

5. *Invites* the Secretary-General to continue to promote strict adherence to refugee law, international humanitarian law, human rights law, and internationally accepted norms and principles in situations of humanitarian emergency;

6. *Recognizes* the complementarity between humanitarian assistance and human rights;

7. *Encourages* the international community to improve its response to humanitarian emergencies, including those of a protracted nature, inter alia, through efforts by donors with regard to policies and practices of good donorship;

8. *Encourages* intergovernmental and non-governmental organizations as well as the private sector to assist and support national and international efforts to respond to humanitarian challenges and alleviate human suffering;

9. *Recognizes* the important need to address more effectively the transition from relief to development and welcomes in this regard the request made by the Economic and Social Council to the Secretary-General to prepare a report on the issue for further consideration by the Council and the General Assembly;

10. *Invites* Member States, the Secretary-General and the United Nations system, within their respective mandates, to strengthen the capacities of regional and subregional organizations, where applicable, in the context of the response to complex humanitarian crises;

11 *Invites* Member States, the Office for the Coordination of Humanitarian Affairs of the Secretariat, relevant entities of the United Nations system, and intergovernmental and non-governmental organizations, including the Independent Bureau for Humanitarian Issues, to reinforce activities and cooperation so as to continue to develop an agenda for humanitarian action;

12. *Requests* the Secretary-General to support the process of developing an agenda for humanitarian action and to report to the General Assembly at its sixty-first session on the overall progress made.

Draft resolution IV
Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 58/149 of 22 December 2003,

Recalling also the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and the African Charter on Human and Peoples' Rights,[2]

Reaffirming that the 1951 Convention relating to the Status of Refugees,[3] together with the 1967 Protocol thereto,[4] as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

1. *Takes note* of the reports of the Secretary-General[5] and the United Nations High Commissioner for Refugees;[6]

2. *Notes* the need for African States to address resolutely the root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall refugee flows, and calls upon the international community, including States, the Office of the United Nations High Commissioner for Refugees, and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight and facilitating durable solutions for refugees and displaced persons;

3. *Welcomes* decision EX/CL/Dec.127 (V) on the situation of refugees, returnees and displaced persons in Africa adopted by the Executive Council of the African Union at its fifth ordinary session, held at Addis Ababa from 30 June to 3 July 2004;

4. *Takes note* of the conference organized by the African Parliamentary Union and the United Nations High Commissioner for Refugees on "Refugees in Africa: the challenge of protection and solutions", held in Benin from 1 to 3 June 2004;

5. *Expresses its appreciation* for the leadership shown by the United Nations High Commissioner for Refugees since assuming office in January 2001, and commends the Office of the United Nations High Commissioner for Refugees for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

6. *Encourages* the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High

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[1] United Nations, *Treaty Series*, vol. 1001, No. 14691.
[2] Ibid., vol. 1520, No. 26363.
[3] Ibid., vol. 189, No. 2545.
[4] Ibid., vol. 606, No. 8791.
[5] A/59/317.
[6] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12* (A/59/12).

Commissioner for Human Rights and the African Commission on Human and Peoples' Rights, in conjunction with relevant agencies of the United Nations system and intergovernmental organizations, within their respective mandates, in the promotion and protection of the human rights and fundamental freedoms of refugees, returnees and displaced persons in Africa, and welcomes in this regard the appointment by the African Commission on Human and Peoples' Rights of the Special Rapporteur on refugees and internally displaced persons in Africa;

7. *Recognizes* that, among refugees, returnees and internally displaced persons, women and children are the majority of the population affected by conflict and bear the brunt of atrocities and other consequences of conflict, and in this regard takes note of the report of the Secretary-General on women and peace and security[7] presented to and discussed by the Security Council;

8. *Reiterates* the importance of the full and effective implementation of standards and procedures to better address the specific protection needs of refugee children and adolescents and to safeguard rights and, in particular, to ensure adequate attention to unaccompanied and separated children and former child soldiers in refugee settings, as well as in the context of voluntary repatriation and reintegration measures;

9. *Notes with great concern* that, despite all of the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious, calls upon States and other parties to armed conflict to observe scrupulously the letter and the spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa, and welcomes in this regard the appointment by the African Union of the Special Representative on the protection of civilians in armed conflicts;

10. *Recognizes* the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

11. *Also recognizes* the need to strengthen the capacity of States to provide assistance to and protection for refugees, returnees and displaced persons, and calls upon the international community, within the context of burden and responsibility sharing, to increase its material, financial and technical assistance in countries affected by refugees, returnees and displaced persons, to simultaneously address the inadequacies of existing assistance arrangements and to support initiatives in this regard;

12. *Reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, and calls upon States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character;

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[7] S/2004/814.

13. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, deplores, in particular, the armed attacks that took place in the Gatumba transit centre in Burundi in August 2004, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the United Nations High Commissioner for Refugees has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue these efforts in consultation with States and other relevant actors;

14. *Deplores* the deaths, injuries and other forms of violence sustained by staff members of the Office of the High Commissioner and other humanitarian organizations, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure their safety and security, calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes, and calls upon organizations and aid workers to abide by the national laws and regulations of the countries in which they operate;

15. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system, and welcomes in this regard the High Commissioner for Refugees joining the Joint United Nations Programme on HIV/AIDS in 2004 as a co-sponsor;

16. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, and welcomes in this regard the conclusion on international cooperation and burden and responsibility sharing in mass influx situations adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-fifth session;[8]

17. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

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[8] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12* (A/59/12/Add.1), chap. III.B.

18. *Notes with satisfaction* the voluntary return of thousands of refugees to their countries of origin, and welcomes in this regard the conclusion on legal safety issues in the context of voluntary repatriation of refugees adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-fifth session;[9]

19. *Reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, and recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity;

20. *Welcomes* the development by the United Nations High Commissioner for Refugees, in cooperation with other United Nations agencies and development actors, of the framework for durable solutions, aimed at promoting lasting solutions, particularly in protracted refugee situations, including the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return;

21. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden and responsibility sharing, to the third-country resettlement needs of African refugees, and in this regard notes with interest the development of the Multilateral Framework of Understandings on the strategic use of resettlement in the context of the High Commissioner's Convention Plus initiative;[10]

22. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

23. *Also calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

24. *Urges* the international community, in a spirit of international solidarity and burden sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

25. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,[11] and urges the international community, led by relevant United Nations organizations, to

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[9] Ibid., sect. C.

[10] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12* (A/59/12), chap. III, para. 23.

[11] E/CN.4/1998/53/Add.2, annex.

contribute generously to national projects and programmes aimed at alleviating the plight of internally displaced persons;

26. *Invites* the Representative of the Secretary-General on the human rights of internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

27. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its sixtieth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 2005.